

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

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DATE: JULY 6, 2007

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: Agenda Item #5: LAFCO 3077 – City of Fontana Annexation
No. 170**

RECOMMENDATION:

Staff is recommending that the Commission:

1. Take the following actions with respect to environmental review:
 - a) Certify that the City's Negative Declaration for Cherry Avenue-Hemlock Avenue, South Annexation 170 (Anx. 06-008) (SCH No. 2006081026) and the Addendum prepared by the Commission's Environmental Consultant, have been independently reviewed and considered by the Commission and its staff;
 - b) Determine that the City's environmental assessment and Negative Declaration, and the Addendum, are adequate for the Commission's use, as a CEQA responsible agency, for its consideration of LAFCO 3077;
 - c) Determine that the Commission does not intend to adopt alternatives or mitigation measures for the project; and that no mitigation was required for the project by the City's action;
 - d) Adopt the Addendum as presented by the Commission's Environmental Consultant, which addresses the environmental assessment for the additional acreage related to the right-of-way area that was not evaluated in the City's environmental document; and,

- e) Direct the Clerk to file a Notice of Determination within five (5) days and find that no further Department of Fish and Game filing fees are required by the Commission's approval since the City, as lead agency, has paid said fees.
2. Approve LAFCO 3077, with the following finding and conditions:
- a) Finding - The City of Fontana has outlined its agreement to assume land use control for the development project identified as the County-approved 136-unit apartment complex located at the southeast corner of Foothill Boulevard and Live Oak Avenue (APN 0230-081-01) upon completion of the annexation process subject to the County's Conditions of Approval for the Conditional Use Permit and the City's requirements as specified in its Pre-Annexation Agreement No. 07-01. This position is outlined in the City's letter dated June 5, 2007.
 - b) Conditions –
 - All streetlights currently the responsibility of County Service Area SL -1 within the annexation area shall be transferred to the City of Fontana upon successful completion of the annexation. The County Special Districts Department shall prepare the appropriate documentation to transfer the lights, LAFCO staff shall verify the data, and the City of Fontana shall sign the authorization form requesting Southern California Edison to transfer the specific lights to the City of Fontana accounts.
 - Standard terms and conditions that include the "hold harmless" clause for potential litigation costs, continuation of fees, charges, assessments, and the identification that the transfer of utility accounts will occur within 90 days of the recording of the Certificate of Completion.
3. Adopt LAFCO Resolution #2973, setting forth the Commission's findings, determinations, and conditions for the proposal.

BACKGROUND:

LAFCO 3077 was continued from the June 20, 2007 hearing due to a lack of quorum of the Commission to conduct business. The lack of a quorum related to disqualification of several Commission members due to campaign contributions and the absence of Commission members.

No change in the report or recommendation has taken place in the interim; therefore, a copy of the original staff report is attached, including a copy of the Vicinity and Location maps and Draft Resolution No. 2973 outlining the staff's recommendations.

Staff will be happy to answer any questions at the hearing.

KRM

Attachments:

[Staff Report Dated June 8, 2007](#) with Attachment #1-- Location and Vicinity Maps and Attachment #5 – Draft Resolution No. 2973